

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PAT THORPE,

Plaintiff,

Case No: 07-13408

Hon. Sean F. Cox

vs.

CLAYTON TOWNSHIP, OFFICER CHARLES MELKI,
OFFICER LYNN SABIN, and STEVEN IAMARINO,
In their official and individual capacities, jointly and
severally,

Defendants.

INA R. O'BRIANT (P60968) Attorney for Plaintiff 200 Woodland Pass Suite F East Lansing, MI 48823 (517) 333-0818	STEVEN P. IAMARINO (P34215) Steven P. Iamarino, P.C. Attorney for Defendant Iamarino P. O. Box 496 Grand Blanc, MI 48480 (810) 695-8400
G. GUS MORRIS (P32960) Kupelian Ormond & Magy, P.C. Attorneys for Defendants, Clayton Township, Officer Charles Melki & Officer Lynn Sabin 25800 Northwestern Hwy., Ste. 950 Southfield, MI 48075 (248) 357-0000	

ORDER RE VARIOUS MOTIONS IN LIMINE

This matter having come on before the court on the various Motions in Limine filed by the parties; the court having reviewed the briefs filed by the parties and having heard oral argument regarding same;

IT IS HEREBY ORDERED AND ADJUDGED:

1. That Defendants Melki and Sabin's Motion in Limine Permitting Defendants to Introduce Evidence of Binding Admissions Made by Plaintiff Counsel (Docket 59), will be ruled on in a separate Order to be issued by the court.

2. That Defendants Melki and Sabin's Motion in Limine Limiting Plaintiff's Damages Against Them to the Date of Plaintiff's First Court Process, September 2, 2004 (Docket 61), is hereby GRANTED for the reasons stated on the record.

3. That Defendants Melki and Sabin's Motion in Limine Preventing Plaintiff from Arguing *People v Vasquez* and *Davis v Mississippi* to the Jury (Docket 62), is hereby GRANTED for the reasons stated on the record.

4. That Defendants Melki and Sabin's Renewed Motion in Limine Excluding Evidence Relating to Discipline Imposed Upon Melki and Sabin, and Medical Records or Testimony Relating to Plaintiff's Alleged Injury Relative to Her August 16, 2004 Arrest (Docket 60), is GRANTED in part and DENIED in part. Pursuant to the agreement of the parties, Plaintiff will not be introducing any evidence regarding discipline to Sabin or Melki and will not be questioning them regarding those matters. As to the testimony relating to Plaintiff's injury, the parties have stipulated to the entry of the medical records, and this portion of the motion is now moot.

5. That Defendants Melki and Sabin's Motion in Limine to Limit the Scope of Plaintiff's Treating Physician, Dr. Gavin Awerbach's, Testimony to His Observations, Diagnosis and Treatment, and Excluding any Reference to Causation, Prognosis or Future Disabilities (Docket 73), has been withdrawn by stipulation of the parties and, therefore, no ruling is required by the court.

6. That Plaintiff's Motion in Limine to Exclude Admission of Evidence by Iamarino (Docket 67), said motion is dismissed as said motion is now moot as Defendant Iamarino is no longer a party to this action..

7. That Plaintiff's Motion in Limine to Preclude Claim or Reference to Prosecutorial Immunity by Defendant Iamarino (Docket 68), said motion is dismissed as said motion is now moot as Defendant Iamarino is no longer a party to this action.

8. That Plaintiff's Motion in Limine to Prohibit Defendants Melki and Sabin from Admitting Testimony of Dr. Saul Forman and Dr. Paul Drouillard at Trial (Docket #92), has been withdrawn by stipulation of the parties and, therefore, no ruling is required by the court.

Date: May 27, 2009

s/ Sean F. Cox
UNITED STATES DISTRICT COURT JUDGE

WE HEREBY STIPULATE TO ENTRY
OF THIS ORDER:

<p>BY: <u>S/ Ina A. O'Briant w/permission</u> INA R. O'BRIANT (P60968) Attorney for Plaintiff 200 Woodland Pass Suite F East Lansing, MI 48823 (517) 333-0818</p>	<p>BY: <u>S/ G. Gus Morris</u> G. GUS MORRIS (P32960) Kupelian Ormond & Magy, P.C. Attorneys for Defendants, Clayton Township, Officer Charles Melki & Officer Lynn Sabin 25800 Northwestern Hwy., Ste. 950 Southfield, MI 48075 (248) 357-0000</p>
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